

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 55 - SB 129**

January 27, 2021

**SUMMARY OF BILL:** Enhances the penalty for certain evading arrest offenses.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$38,300 Incarceration\***

Assumptions:

*Evading Arrest - Risk of Death*

- Pursuant to Tenn. Code Ann. § 39-16-603(b)(3)(B), it is a Class D felony offense for any person, while operating a motor vehicle on any street, road, ally or highway in Tennessee, to intentionally flee or attempt to elude any law enforcement officer, after having received any signal from the officer to bring the vehicle to a stop and such flight or attempt to allude creates a risk of death or injury to innocent bystanders, pursuing law enforcement officer or third parties.
- Based on information provided by the Department of Correction (DOC), there has been an average of 86.20 admissions per year for evading arrest - risk of death over the last five years.

*Serious Bodily Injury to Law Enforcement Officer*

- The proposed legislation enhances evading arrest - risk of death offenses that result in a serious bodily injury of a law enforcement officer to a Class C felony.
- The proposed legislation will result in one offense being enhanced one classification each year.
- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- Population growth and recidivism will not impact these admissions.
- The average time served for a Class D felony is 1.08 years. The average time served for a Class C felony is 1.49 years. The proposed legislation will result in each admission serving an additional 0.41 years (1.49 – 1.08).
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every year serving 149.75 days (0.41 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$12,049 (\$80.46 x 149.75 x 1).

#### *Death to Law Enforcement Officer*

- The proposed legislation enhances evading arrest - risk of death offenses that result in the death to a law enforcement officer to a Class A felony.
- The proposed legislation will result in one Class A felony admission every 10 years.
- Population growth and recidivism will not impact these admissions.
- The average time served for a Class D felony is 1.08 years. The average time served for a Class A felony 14.41 years. The proposed legislation will result in each admission serving an additional 13.33 years (14.41 – 1.08).
- This analysis estimates the highest cost for admissions in the next 10 years; therefore, any additional time added by the proposed legislation resulting in sentences exceeding 10 years in length surpass the window of this analysis.
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every 10 years serving 3,258.03 days [(10 - 1.08) x 365.25]. The annualized increase in state incarceration expenditures is estimated to be \$26,214 [(\$80.46 x 3,258.03) / 10].

#### *Total Incarceration and Court Costs*

- The proposed legislation will result in a recurring increase in state incarceration expenditures estimated to be \$38,263 (\$12,049 + \$26,214).
- Any impact to the court system is estimated to be not significant.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Bojan Savic, Interim Executive Director

/mj